

**UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT**

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RKW KLERKS INC.,	:	
	:	
Plaintiff-Appellant,	:	
	:	
v.	:	Appeal No. 23-1210
	:	
UNITED STATES,	:	
	:	
Defendant-Appellee.	:	

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**NOTICE REGARDING THE GOVERNMENT’S BRIEF**

The United States (the government) submits this notice to inform the Court of an inadvertent misstatement in the government’s brief filed in the above-captioned appeal. The government’s brief states, on page 23:

In *Wilbur-Ellis*, the Federal Circuit’s predecessor court, the United States Court of Customs and Patents Appeals (CCPA), noted that:

[B]inding twine is no more a part of a binder machine than thread is a part of a sewing machine. While the thread passes through the machine in the process of sewing a garment, it merely passes through the machine and becomes a part of the machine’s product[.]

*Wilbur-Ellis*, 26 C.C.P.A. at 406.

The block-quoted passage that the government’s brief attributes to the United States Court of Customs and Patent Appeals should have been attributed to the United States Customs Court, specifically, *Wilbur-Ellis Co. v. United States*, 73 Treas. Dec. 1008, T.D. 49626 (June 17, 1938).

We thank appellant RKW Klerks Inc. for alerting us, in its reply brief, to this inadvertent error, and apologize for any inconvenience that this error caused RKW Klerks Inc. or the Court.

Respectfully submitted,

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